

DECLARATION AND POWER OF ATTORNEY  
IN COPENDING APPLICATION  
CONTAINING ADDITIONAL SUBJECT MATTER

Attorney Docket No. 24406-0006

U.S. Serial No. 09/353,555

As a below named joint inventor, each of us hereby declares as follows:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ARRAYS OF PROTEIN-CAPTURE AGENTS AND METHODS OF USE THEREOF

the specification of which is identified as U.S. Application No. 09/353,555, filed on July 14, 1999. I have reviewed and understand the contents of the above-identified specification, including the claims.

This application in part discloses and claims subject matter disclosed in my earlier filed copending application Serial No. 09/115,455, filed July 14, 1998, of which I claim the benefit under 35 USC §120.

I acknowledge the duty to disclose information of which I am aware that is material to the examination of this application in accordance with 37 CFR §1.56(a), including material information which occurred between the filing date of said prior application and the filing date of this continuation-in-part application, insofar as the subject matter of the claims is not disclosed in said prior application in the manner provided by 35 USC §112, first paragraph.

That, as to the subject matter of this application which is common to said earlier application, I do not know and do not believe: that this invention was ever known or used in the United States of America before our invention thereof; that this invention was patented or described in any printed publication in any country before our invention thereof or more than one year prior to said application; that this invention was in public use or on sale in the United States of America more than one year prior to said application; that this invention has been patented or made the subject of an inventor's certificate issued before the date of said application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said application; nor that any application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to said application by me or my legal representatives or assigns.

I hereby appoint the following to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

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Attorney Docket No. 24406-0006

U.S. Serial No. 09/353,555

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Heller Ehrman White & McAuliffe  
525 University Avenue  
Palo Alto, CA 94301-1900.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

FIRST JOINT INVENTOR

INVENTOR'S SIGNATURE

DATE

Peter Wagner

*Peter Wagner*

8/6/99

RESIDENCE

Belmont, California

CITIZENSHIP

Germany

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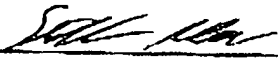
2211 Village Court #7

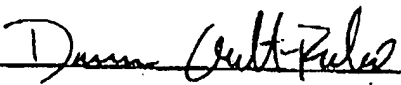
Belmont, California 94002


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Attorney Docket No. 24406-0006

U.S. Serial No. 09/353,555

SECOND JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
Steffen Nock		11/13/99
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THIRD JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
Dana Ault-Riche		11/2/99
RESIDENCE		CITIZENSHIP
Palo Alto, California		USA
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972 Cajon Way		
Palo Alto, California 94303		

FOURTH JOINT INVENTOR	INVENTOR'S SIGNATURE	DATE
Christian Itin		8/10/99
RESIDENCE		CITIZENSHIP
Menlo Park, California		Switzerland
POST OFFICE ADDRESS		
315 Waverley Street, #3		
Menlo Park, California 94025		

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1c759 U.S. PTO  
 09/574692  
 05/17/00

In re Application of: Wagner et al.

Application No: not yet known

Group Art Unit: not yet known

Filed: July 14, 1998

Examiner: not yet known

For: PROTEIN ARRAYS FOR HIGH-THROUGHPUT SCREENING

### VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(c)-(d) and 1.27(b)-(d))

With respect to the invention described in

☒ the specification filed herewith.☐ application no. \_\_\_\_\_ / \_\_\_\_\_, filed \_\_\_\_\_.☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

#### I. IDENTIFICATION OF DECLARANT AND RIGHTS AS A SMALL ENTITY

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Advanced Biointegrated Technologies, Inc.ADDRESS OF CONCERN 4966 El Camino Real, Suite 101, Los Altos, California 94022 and

that the above identified small business concern qualified as a small business concern, as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

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**COPY****II. OWNERSHIP OF INVENTION BY DECLARANT**

I hereby declare that rights under contract or law remain with and/or have been conveyed to the above identified concern

EXCEPT, that if the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held (1) by any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, (2) any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or (3) a nonprofit organization under 37 CFR 1.9(e).

☐ no such person, concern, or organization

☒ person, concerns or organizations listed below

NAME Peter Wagner

ADDRESS 20800 Homestead Rd. 14E. Cupertino, California 95014

☒ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME Dana Ault-Riche

ADDRESS 972 Calan Way, Palo Alto, California 94303

☒ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME Steffen Nock

ADDRESS 350 Cyster Avenue, Palo Alto, California 94306

☒ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME Christian Ilin

ADDRESS 315 Waverly Street, #3, Menlo Park, California 94025

☒ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

**III. ACKNOWLEDGEMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE**

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

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## IV. DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

## V. SIGNATURE

NAME OF PERSON SIGNING Dana Ault-RicheTITLE OF PERSON President  
(if signing on behalf of a concern)ADDRESS OF PERSON SIGNING 4966 El Camino Real, Suite 101, Los Altos, California 94022SIGNATURE Dana Ault-Riche DATE 7/14/98

04023.01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wagner et al.

Application No: not yet known

Group Art Unit: not yet known

Filed: July 14, 1998

Examiner: not yet known

For: PROTEIN ARRAYS FOR HIGH-THROUGHPUT SCREENING

VERIFIED STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS (37 CFR 1.9(c-f) and 1.27(b-d))

With respect to the invention described in

☒ the specification filed herewith.☐ application no. \_\_\_\_/\_\_\_\_, filed \_\_\_\_.☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

## I. IDENTIFICATION OF DECLARANT AND RIGHTS AS A SMALL ENTITY

I hereby declare that I am a below named independent inventor, and that I qualify as an independent inventor, as defined in 37 CFR 1.9(c), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office.

## II. OWNERSHIP OF INVENTION BY DECLARANT

I hereby declare that rights under contract or law remain with and/or have been conveyed to the above identified person

EXCEPT, that if the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held (1) by any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, (2) any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or (3) a nonprofit organization under 37 CFR 1.9(e).

☐ no such person, concern, or organization☒ person, concerns or organizations listed belowNAME Advanced Biointegrated Technologies, Inc.ADDRESS 4966 El Camino Real, Suite 101, Los Altos, California 94022☐ INDIVIDUAL☒ SMALL BUSINESS CONCERN☐ NONPROFIT ORGANIZATION

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**V. SIGNATURES**

Peter Wagner

Name of Inventor

*Peter Wagner*

Signature of Inventor

Date:

7/14/98

Dana Ault-Riche

Name of Inventor

*Dana Ault-Riche*

Signature of Inventor

Date:

7/14/98

Steffen Nock

Name of Inventor

*Steffen Nock*

Signature of Inventor

Date:

7/14/98

Christian Itin

Name of Inventor

*Christian Itin*

Signature of Inventor

Date:

7/14/98